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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,747	01/24/2001	Donald J. Kadyk	13768.141	3863

22913 7590 09/10/2004

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/768,747

**Applicant(s)**

DONALD J. KADYK

**Examiner**

Baoquoc N To

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 12-39 is/are allowed.  
6) ☒ Claim(s) 1-8 and 10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-9, 10, 10 and 12-39 are pending in this application. Claims 12-39 are previously allowed and claims 1-8 and 10 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljungqvist (US. Patent No. 6,611,535 B2).

Ljungqvist teaches a method of sending information from the server to the consumer to use ACKs with SACK options, which will simply be referred to as SACKs. With SACKs an information consumer can inform the sender about all segments that have arrived successfully, so the sender need retransmitted only the segments that have actually been lost. A SACK can normally comprise information of up to three contiguous blocks of segments that are correctly received and also up to three contiguous blocks of missing or erroneous segments in the information transmission

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(col. 4, lines 11-28). This teaches the similar concept of the claimed limitation wherein the novelty of the invention (e.g. only upon receiving the first token, sending the second notification to the message client, the second notification including both the at least second portion of the change and at least a second token identifying the at least second portion of the change; and upon failing to receive the first token from the message client, determining that the message client did not receive the first portion of the change associated with the first notification and resending the first notification along with the second notification to the message client). Ljungqvist silences about the first message data including the first portions with the second portions comprise different portions of the first message data. It is an obvious features because in the Ljungqvist in order for the receiver knows what parts needs to be changes the sender must includes in a transmission (file name or parts or the destination or instructions what to change) and the content of the changes. It is the same token for the receiver what have been received what have not received in the in order for the sender to send the missing parts. These are corresponding to different portions as to applicant claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the Ljungqvist's system to include the different portions in order to instruct the receiver what to change and changes itself.

Regarding on claim 2, Ljnugqvist teaches the act of resending the change to the message client includes the act of resending the token to the message client (the sever sends the client the changes information) (col. 4, lines 11-28)

Regarding on claim 3, Ljungqvist teaches the act of sending a notification is performed over a reliable communication channel (a mobile cellular mobile telephone network) (col. 3, lines 65-66).

Regarding on claim 4, Ljungqvist teaches the unreliable communication channel comprises a wireless device communication channel (a mobile cellular mobile telephone network) (col. 3, lines 65-66).

Regarding on claim 5, Ljungqvist teaches the acts of receiving a synchronization request and resending the change are performed over a reliable channel communication (col. 3, lines 56-67).

Regarding on claim 6, Ljungqvist teaches the token is unique to the message server (col. 3, lines 56-67).

Regarding on claim 7, Ljungqvist teaches the server data include at least one of the contact data, calendar, task data and email data (request information) (col. 4, lines 1-40).

Regarding on claim 10, Ljungqvist teaches the message client comprises one of a portable personal computer (150) (fig. 1), a cellular telephone, a pager, and a personal digital assistant.

Claims 12-39 are previously allowed.

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

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Hand-delivered responses should be brought to:

Crystal Park II


2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

August 30, 2004



JEAN M. CORRIELUS  
PRIMARY EXAMINER